



Planning Board Meeting
October 23, 2007

Those present at the October 23, 2007 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Larkin, J. Thorne, T. Werner
A. Kramer arrived at 8:20p.m.

Those absent were: S. Pace

Those also present were: K. Maynard, Director of Planning;
J. Romano, Clough, Harbour and Associates;
M. O'Brien, Environmental Specialist;
P. Pelagalli, Counsel;
J. Dean, Secretary and Assistant Director of
Planning

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings

[2007-042] **Fowler, Peter**- Proposed (2) lot subdivision of the Lands of Peter Fowler and Julie M. Priddle, Riverview Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on October 15, 2007.

Mr. Gil VanGuilder, consultant for the applicant, explained that this application remains generally as presented at the August 14, 2007 meeting. The existing driveway to the east of the existing residence will be removed and a new driveway will be constructed for the proposed single family residence. Access to the existing home will be over an existing driveway located west of that property. Mr. VanGuilder reported that all necessary variances were granted by the Zoning Board of Appeals at its October 2, 2007 meeting. The applicant investigated the possibility of utilizing the adjoining Pine Grove Drive, a private access that serves several residences and directly abuts the proposed new

lot; however, property owners residing on this private street reported that an association agreement does not permit additional users. Though the applicant also would like to reserve the right to place the proposed residence anywhere within the required building envelope, he would be amenable to limiting the distance from Riverview Road that the proposed home may be constructed. The owner would like to place restrictions on clear-cutting of the property and encourages preservation of the forested area to the rear of the property.

Ms. Maynard reported that this application was reviewed by the Planning Board at its August 14, 2007 meeting. It was recommended that the applicant consider a shared driveway with those currently utilizing Pine Grove Drive directly south of the site and consider locating the house closer to the road to minimize impacts on the large forested area on the site. The plan must include the standard note for driveways more than 500' in length if the proposed residence will be placed as proposed.

Mr. Myers, Director of Building and Development, reported that all required variances were granted by the Zoning Board of Appeals on October 2, 2007. The variances granted were as follows: side yard setback – proposed setback – 4.6 ft. – variance requested 5.4 ft; an area variance from Section 208-16E(2)(c) from the 10 acre minimum lot size in the CR (Conservation Residential) zone (current lot size is 7 acres) and a variance from the requirement that any subdivided lot be initially owned by a family member.

Mr. Romano reported that Clough, Harbour, and Associates reviewed the preliminary subdivision plan for this and have found that all previous comments to have been adequately addressed.

Mr. O'Brien, Environmental Specialist, stated that the ECC asked that the following standard statements be added to the plan:

- No salts, fertilizer, pesticides or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:20p.m. The motion was unanimously carried.

Mr. Larkin stated that he did not find the recommendation regarding the building limit from Riverview Road reasonable. Other Board members agreed that such a limit should not be a condition of approval.

Mr. Werner moved, seconded by Mr. Bulger, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Ms. Thorne offered Resolution #23, seconded by Mr. Bulger, to waive the final hearing for this application and to grant preliminary and final approval for this (2) lot subdivision conditioned upon satisfaction of the comments provided by the Planning Department and Clough, Harbour, and Associates. Ayes: Larkin, Thorne, Werner, Bulger. Noes: None.

[2006-046] **Cloverdale Meadows** – Proposed (17) lot subdivision, Hubbs Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:25p.m. The Secretary read the public notice as published in the Daily Gazette on October 15, 2007.

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's review. The project plan remains generally as presented at the June 6, 2007 meeting. The applicant proposes the construction of seventeen (17) single-family homes on a 65.73 acre parcel located in the CR (Conservation Residential) zone on the southern side of Hubbs Road just west of the Dutch Meadows subdivision. 33.26 acres of land will be designated as permanent open space. Mr. Lansing outlined existing site conditions including site location, acreage, surrounding land uses, and zoning classification. He noted that the site contained "desirable scenic resources" as well as both NYSDEC and ACOE wetlands. The speaker described the method of calculating allowable density: 17 units are permitted on the parcel. He explained that the applicant has responded to Planning Board and the public comments: the plan now meets setback requirements, minimizes wetland impacts, provides a single access from Hubbs Road, and allows for trail development. The development will be served by public water and sewer services. Individual grinder pumps will be installed and connection will be made to the Rolling Meadows subdivision sanitary system. Two storm water management areas are proposed. 33.26 acres of open space will be conveyed to the Town of Clifton Park. Mr. Lansing stated that many of the comments submitted by Clough, Harbour, and Associates can be easily addressed, though he reported that the applicant would prefer not to fence wetland areas and would like to allow uses other than strictly agricultural uses on Lot #1.

Ms. Maynard provided comments prepared by the Planning Department. This project was last considered by the Planning Board at its June 12, 2007 meeting at which time the Board found the revised concept plan generally acceptable and the applicant responsive to Board and staff concerns related to preservation of open space and scenic views on the site, protection of the historic barn, and provision for a homestead lot that

would contain a major portion of the permanently protected open space. Ms. Maynard recommended that a note regarding preservation of the existing barn be added to the plans. It is also recommended that a "historically accurate farmhouse" replace the home to be removed. The applicant is asked to seek advice regarding appropriate design from the Historic Preservation Commission. Lot # 9 is shown on plans as a keyhole lot: no such lots are permitted in the CR (Conservation Residential) zone. The speaker recommended three trail connection locations for site. The first would be an important connection on permanent open space directly from Hubbs Road to open space associated with Rolling Meadows and, ultimately, with Veteran's Park. The second would connect the proposed new homes to adjoining areas along the water and sewer lines. The third would be designed to include bicycle and pedestrian traffic along Hubbs Road. The note on plans regarding park district should be corrected: the development will be included in the Longkill Park District #1. Uses of permanent open space within CR district are outlined within §208.16-D of the Town Code. A note on plans listing these permitted for the homestead must be included on the plan. Special Use Permit approvals may permit additional accessory buildings to be constructed on that lot. Ms. Maynard recommended that no fencing surround the wetland area to the rear of the site. Sheet #3 incorrectly states that land will be dedicated to Town of Halfmoon. It is recommended that the storm water management area to be located outside the wetland buffer area. The Board may wish to request conveyance of 15' strip of land along Hubbs Road for future road improvements and possible trail development. Ms. Viggiani, Open Space Coordinator, has requested that maintenance and monitoring standards for the permanent open space areas be considered.

Mr. Myers, Director of Building and Development, offered comment on the project's Storm Water Pollution and Prevention Plan in a memo dated October 23, 2007. Referencing Section 6.3, he noted that pocket ponds are not a desirable practice and will be eliminated as acceptable by the town in the near future. The drainage area of 15 acres does not support the use of a pocket pond in at least one case since they have a maximum allowable area of 5 acres. A re-submission with revised practices will be required. Both basins are required to have safety benches since they are over 4 feet deep. "Bulges" in silt fence signifying the need for sediment removal is very subjective and should be left to the 1/3 the height of the fence. The applicant is asked to provide a construction phasing plan to ensure work is in compliance with the permit. The new owner taking responsibility for maintenance of the drainage and erosion control systems must be identified.

Ms. Reed, Chief of the Bureau of Fire Prevention, requested that an additional hydrant be placed adjacent to Lot #5. She also asked that street names be provided for postal verification.

Mr. Romano reported that Clough, Harbour, and Associates reviewed the project plans and offered a number of comments. An extension of the proposed public water main to Heidi's Path will be required to provide a looped system. It is recommended that a multi-use pathway or other suitable pedestrian connection such as a combined gravel path/utility and storm water management access road be provided from Rolling Meadows to the proposed internal subdivision road. Development of the eastern portion of the site should include particular attention to the drainage along the eastern property line. Legal

mechanisms and potentially physical measures such as post and rail fencing to restrict disturbance to the federal wetlands within the lots should be provided. All principal buildings should be set back a minimum of fifty feet from any wetlands to remain. This should be shown for each respective lot on the subdivision plan. Maintenance measures to ensure that the fields remain open and not revert back to wooded conditions should be discussed with the Planning Board and Town's Open Space Coordinator. In general, the design of the utilities shown on the preliminary plans does not demonstrate an acceptable level of detail.

The following additional items should be addressed before preliminary approval is considered. Deed restrictions should be established such that the principal building for Lot #1 is located on the new Town road and west of Wetland #2. Only agricultural uses shall be permitted over the remainder of the lot. The subdivision plan should specify the proposed open space lands and indicate that they will be conveyed to the Town of Clifton Park. The owner of the lands to the west of Lot #21 Winkle Way should be identified as the water and sanitary sewer connections are proposed through this lot. Any public utility (sewer, water main, hydrant, etc.) shall be no closer than ten feet from a private property lot line unless an easement to the owner of the respective utility is being provided. This is not shown in many locations. The sanitary sewer extension should include and easement to the Saratoga County Sewer District within the proposed Town lands. The proposed hydrant spacing and location should be reviewed with the Bureau of Fire Prevention. Engineers' reports for the proposed water main and sanitary sewer extensions should be provided for review. The total acreage of disturbance within each proposed phase should be depicted on the Erosion and Sediment Control Plans Site Disturbance Plan. More than 5 acres of disturbance can not be disturbed without a waiver from NYSDEC. A drainage easement should be provided across Lot #9. The material to be used for the proposed water main and sanitary force main should be specified on the plans. There is concern with the potential long term maintenance issues associated with catch basin #7 being located within the lawn area. The grading and drainage plan should include a limit of clearing and grading line. Based upon the proposed grading it appears the existing wetlands in the rear of Lots #16 and #17 will remain. It should be verified that this is the intent of the proposed grading. The invert of the outlets of each of the storm water management areas is not depicted on the plans or the details. The homes with walk-out basements should be indicated on the plan. The slope of the pavement along the cul-de-sac should be increased to maintain the 1% minimum slope along the outside edge of pavement. The length of HDPE pipe between STA. 1+00 and STA 2+50 appears to be incorrectly labeled. The acreages used to size the temporary sediment basins should be verified. The erosion and sediment control plan should include a topsoil stockpiling area, inlet protection and concrete wash out area. Additionally, the plan should include the entire limits of the proposed utility extensions. A catch basin should be located within the center of the proposed cul-de-sac. A street light should be provided oriented over the proposed roadway.

Clough, Harbour, and Associates also reviewed the Storm Water Pollution Prevention Plan dated October 2007 and offered the following comments. The time of concentration flow paths should be included on the pre and post development drainage area maps. Additionally the design points for each drainage area should be labeled. A Storm Sewer Sizing Table should be provided documenting the adequacy of the size of the proposed closed drainage system, including drainage areas, peak flows, pipe size, pipe slope, full flow capacity and velocity.

Mr. O'Brien, Environmental Specialist, reported that the ECC, after review of data presented, reiterated the following comment. The ECC recommends that the proposed sewer and water easements accommodate surface use such as a multi-use trail.

Ms. Deborah Emmons-Andarawis, 67 Hubbs Road, noted that the "plan had come a long way" since its conceptual review in February of this year. Contrasting the previous plan with the revised plan submitted for this evening's meeting, she questioned whether the "plan goes far enough" to preserve the rural and historical character of western Clifton Park. She argued that preservation of the farmhouse and surrounding lands would help to maintain the Town's cultural heritage and economic diversity.

Mr. Emad Andarawis, 67 Hubbs Road, encouraged the Board to support agricultural use of the homestead property. He used recent examples of outbreaks of e-coli illnesses and food contamination to support his argument that locally grown food products were more desirable than those imported from other areas. Referencing reports of the amount of agricultural land lost each year, he asked the Board to consider the cost of development as opposed to the loss of agricultural properties. He agreed with a phrase from of the Clifton Park Open Space Plan that notes that differing land uses can amicably co-exist.

Mr. Bill Temple, 5 Heidi's Path, stated that although he was not opposed to development, he wanted the Board to know that for the more than 29 years that he has resided on Heidi's Path, residents of that street as well as Gretel Terrace have suffered from the drainage from the adjoining property. He provided two letters from Town officials that discussed the drainage problems and the plans to mitigate them. He also submitted a two-page document that listed his comments on the subdivision plan submitted for review. A copy of that document is attached to these minutes. Mr. Temple reported over \$100,000.00 worth of property loss in the past ten years and described the water flow and drainage patterns that caused the damage. He criticized a number of elements in the proposed storm water management proposal and questioned the criteria used for delineating wetland boundaries. The speaker explained that he was seeking a remedy for the existing drainage problem and greatly feared that the removal of vegetation on the adjoining property would only increase the water flowing to properties within Dutch Meadows.

Mr. Chip Searle, 7 Heidi's Path, agreed with Mr. Temple's description of existing drainage problems and asked that the Board address their concerns. He also requested that the Board require a substantial buffer between existing residences and those proposed by Mr. Kienast.

There being no additional comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 8:10p.m. The motion was unanimously carried.

Mr. Bulger remarked that those who spoke at this public hearing provided "an excellent example" of why public hearings are important to the approval process. The thoughtful comments offered will for the basis for questions and further review.

Mr. Lansing stated that in conformance with state mandates, a Storm Water Pollution and Prevention Plan has been prepared for the project that ensures that post-development run-off will be equal to pre-development run-off. Mr. Larkin, using the aerial projection as a guide, described drainage patterns in the area and the location of culverts and storm drains in the area. Noting that both Clough, Harbour, and Associates and Mr. Myers provided several comments regarding the storm water management design, Mr. Larkin described the situation as “unique” since drainage from the applicant’s results in dangerous roadway conditions and severe damage to neighboring homes. He recommended that the applicant design a storm water management plan that reduces post-development run-off below pre-development levels.

Mr. Kramer arrived at 8:20p.m.

Mr. Larkin addressed a number of issues. Responding to Mr. Temple’s comment regarding sewer connection, it was noted that the connection would be to the Rolling Meadows project – not the Dutch Meadows system. The speaker encouraged reconsideration of the “looping” of the water system since Dutch Meadows residents currently experience water pressure problems. Stating concerns about future development of the “estate” lot, he asked that any additional structures be located east of the property boundary of Lot #2. Consideration should be given to requiring fencing to protect wetlands.

In response to Ms. Thorne’s question regarding allowable uses for the estate lot, Ms. Maynard explained that equine uses and the keeping of livestock are permitted on parcels greater than five (5) acres. She viewed trail connections, drainage issues, and buffering as issues to be resolved. Mr. Bulger stated his support for preservation of the existing barn: Mr. Kramer agreed that the barn should remain.

Ms. Maynard described three (3) possible trail locations. One would be a connection along Hubbs Road that offered access to the “scenic views” along the rural road. The second would be a trail link that connected Hubbs Road with Rolling Meadows and other lands to the south, including the Town’s Veteran’s Park on MacElroy Road. The third possibility would be to install a trail connection over the sewer line.

Mr. Werner stated his support for a trail connection that would be installed over the sewer line since this land would already be disturbed by installation of the utility line. He was very concerned that the proposed project may increase drainage problems for existing residents of Dutch Meadows. He encourages the applicant to provide a storm water management design that mitigates existing drainage problems.

Mr. Lansing stated that the applicant would like to keep the flag lot though CR (Conservation Residential) zoning does not permit such a configuration. He explained that although the lot may require a Zoning Board of Appeals’ variance, he believes that it preserves open space and works well with the proposed lay-out. Mr. Larkin stated that he would support a positive recommendation for the flag lot if the applicant worked to

resolve drainage problems. In response to public comments, Mr. Bulger stated that the Board would support and promote on-going agricultural use of the homestead lot. Mr. Lansing stated that he will work with the applicant to address all of the concerns identified by the Board, town officials, Clough, Harbour, and Associates and the public.

[2006-022] **Parkland Development** – Proposed (24) lot subdivision to permit 33,200 SF of multi-family residential use in 14 buildings, NYS Route 146 – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 8:40p.m. The Secretary read the public notice as published in the Daily Gazette on October 15, 2007.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that has been reviewed by the Board on several occasions. The subdivision now presented to the Board represents twenty-four (24) parcels that will provide for individual ownership of the proposed town homes. The plan continues to show a multi-use pathway/emergency access connection to Sterling Heights Drive. A grading and planting plan have been provided. The plans include a note that states that open space parcels identified as A, B, C, and D on the plan and totaling 6.68 acres are to be conveyed to the future Parkland Townhomes Homeowners Association. The existing residence will be converted to a community center. The issue regarding a determination of gross floor area has been resolved: garage space will not be included in the gross floor area since it is not “habitable” space. Mr. Vuillaume addressed several of the issues raised by Clough, Harbour, and Associates. He stated that the site contains both ACOE and NYSDEC wetland areas. Representatives of the NYSDEC have conducted field investigations and have confirmed delineated boundaries. ACOE representatives are scheduled to visit the site next week. Mr. Vuillaume stated that if the wetlands are reduced, the applicant may request approval of larger units – not additional units. A T-style turn around has been provided to the west to provide an adequate turning radius for emergency vehicles. A recreational and/or fitness center is proposed. Amenities include the multi-use pathway connection, sidewalk, and possible tennis court. The speaker presented colored façade renderings of the proposed town homes that will primarily be marketed to seniors.

Ms. Maynard offered comments prepared by the Planning Department. This application has been reviewed by the Board on several occasions. The Board last reviewed the proposed development plan at its September 11, 2007 at which time the Board discussed the issue of gross floor area: the calculation of “habitable” and “uninhabitable” space was to be investigated. Mr. Maynard reported that, after discussions with Steve Myers, Director of Building and Development and Tom McCarthy, Town Attorney, it was determined that the current definition of total floor area can be interpreted to not include garage spaces; therefore, the number of units and square footage as calculated by the applicant’s consultant appears correct. Ms. Maynard recommended that the proposed sidewalks be installed on both sides of street and that the homes be situated so garages are not located to the front of the residences. Clearing and grading limit lines should be clearly shown on the plans. Conveyance of a 15 foot strip of land along NYS 146 is recommended to allow for future roadway improvements and

possible trail a connection to the Rexford Park. The speaker explained that a pedestrian connection to the NY Route 146 Trail be considered. Sign-offs from NYSDEC and the ACOE will be required. A NYSDOT permit will be required for the proposed access onto Route 146.

Mr. Myers, Director of Building and Development, provided comment regarding this application in a memo dated October 17, 2007. He stated that approval from the Fire Code of Appeals Board for use of the multi-use pathway link to the Sterling Height subdivision as a second entrance will be required prior to the issuance of the first Building Permit since there will be more than 18 lots on a cul-de-sac. Mr. Myers reported that, after discussions with the Town Attorney, it was determined that the "Total Floor Area" definition when applied to this project is only for habitable space. The square footage of each unit, therefore, will not include the garage space. Applying this rationale, the square footage for the development appears to be within the parameters of the Hamlet-Mixed Use zoning and is acceptable. The preliminary Storm Water Pollution and Prevention Plan report cover sheet states this project is "proposed senior housing." The applicant should clarify whether or not this is accurate.

Mr. Myers offered comments on the Storm Water Management Plan, noting that this development discharges to the Dwaas Kill, a 303(d) endangered stream and the site has some Class "D" or poorly draining soils present. There is no discussion of impacts to the Dwaas Kill. The SWPPP is incomplete because it lacks the following: construction drawings; storm water controls; construction phasing; practice details; pollution prevention measures; temporary and permanent structural measures; material specification and dimensions; post construction maintenance and operations details. Mr. Myers states that privately owned and maintained storm water management areas are required to be inspected by the town to ensure compliance. An agreement with the HOA will be required. Further details of the joint ownership of the storm water management areas as noted in Section 6 will be required and approval by the Town Attorney.

Ms Reed, Chief of the Bureau of Fire Prevention, provided the following recommendation in a memo dated October 23, 2007. She requested that the applicant obtain a variance from the Fire Code Appeals Board for a single entrance that serves more that eighteen (18) units.

Mr. Romano stated that Clough, Harbour, and Associates reviewed this application and provided the following comments. The applicant has yet to obtain a jurisdictional determination of the wetland areas on the west side of the property. Approximate limits continue to be shown for both NYSDEC and Army Corps of Engineers wetlands. The allowable density has been computed based on these approximate limits. Any increase in the size of the wetlands, and correspondence reduction in the area of unconstrained lands, could change the allowable density on the parcel. The applicant should pursue the required jurisdictional determinations as soon as possible. Additional details should be provided of the signage and gates proposed for the multi-use pathway and emergency access drive. The gates should allow for pedestrians and bicyclists to access the path without impeding their movements. Engineers' reports

for the water and sanitary sewer supply should be provided. The location of the existing watermain along Sterling Heights Drive should be depicted on the plan. A street light oriented over the proposed roadway should be provided. It appears that a utility pole and guy wire will need to be relocated at the intersection of NYS Route 146 and Road A. It should be verified that adequate emergency access is provided to the Community Building and Fitness Center. The plans should clearly indicate that the roadway will be dedicated to the Town and maintenance of the sidewalks, lighting and storm water management area will be the responsibility of the Homeowners Association. The proposed grading plan depicts the clearing of Lot #13 directly to the property line. It is recommended that the lot be graded to maintain a minimum 15 foot no-cut buffer along the proposed line. There appears to be a low spot behind the house on Lot #7 that will not adequately drain. The roadway drainage between STA 5+00 and STA 7+00 should be reviewed. Based upon the catch basin locations, it does not appear that the roadway is crowned in this area. A catch basin should be provided within the proposed cul-de-sac. The termination of the roadway to the west does not provide a temporary turnaround for Town vehicles until the lands to the west are developed. The sanitary sewer should be extended to the west of MH #4 to allow for future connection without impacting the roadway. The adequacy of the 12" culvert on the Lands of Stevens and Symonds to accommodate the additional storm water run-off should be verified. Although the storm water management system is designed to reduce peak flows at the design point, the pond discharge is upstream of this point. A fence should be added to the top of the retaining wall on Lot #15 and Lot #16. The rip rap from the outlet of the storm water management outlet should extend to the existing swale along Route 146. The erosion and sediment control plan should depict how the site will be developed to disturb less than five acres at a time. A construction staging area and topsoil stockpile area should be included on the Erosion and Sediment Control Plan. The typical micropool extended detention detail should be customized for this project.

Clough, Harbour, and Associates also reviewed the Storm Water Management Report dated October 2007 and offered the following comments. Test pits should be performed within the location of the storm water management area to determine the groundwater elevation. The pond routing should begin at the permanent pool elevation. A Storm Sewer Sizing Table should be provided documenting the adequacy of the size of the proposed closed drainage system, including drainage areas, peak flows, pipe size, pipe slope, full flow capacity and velocity.

Mr. O'Brien, Environmental Specialist reported that, after review of data presented, the ECC reiterated the following recommendations. The following standard statements must be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal Jurisdictional Wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or Federal Wetlands.
- No salts, fertilizers, pesticides or other materials may be used on this property where they will contaminate any wetland areas or surface water

through runoff, leaching or in any other manner which violates the New York State Environmental Conservation Law (ECL).

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Additionally, the ECC recommends that the Planning Board require trail installation along the north side of Route 146 on the existing water line right-of-way.

Mr. Collin Sirco, 71 Sterling Heights Drive, spoke on behalf of his neighbors at 63, 73, and 75 Sterling Heights Drive, described the proposed multi-use pathway connection from the proposed development to Sterling Heights Drive as “undesirable” and asked that the Board preserve the space as the “forever wild” area that the developer promised them it would be. He believes that the proposed pathway “only serves the developer’s desire to increase the number of development parcels” from the eighteen (18) permitted on a cul-de-sac to the twenty-four (24) proposed. Mr. Sirco stated that he and his neighbors believe that the development will devalue the existing homes in Sterling Heights and increase existing drainage problems. The speaker asked that the Board consider the traffic impacts of the development on the Route 146 corridor since access to and from Sterling Heights is – at times - very difficult. He asked that Board members protect the privacy now experienced by residents of Sterling Heights and promote the “conservation of Clifton Park”. Mr. Sirco asked that the Board delay its decision on this application to allow him and his neighbors additional time to consider the project plan and, if necessary, retain counsel.

Mr. Dan Perretta, 67 Sterling Heights Drive, explained that he had purchased his home in Phase III of the Sterling Heights development because of the developer’s assurance that the area behind the home would remain undeveloped. He complained of the intrusive nature of the pathway on his home and family.

Mr. Mike Locascio, 44 Sterling Heights Drive, described Sterling Heights as a wooded neighborhood and stated that the proposed gate would be unsightly. He also believes that the Parkwood Development project will devalue properties within Sterling Heights.

Ms. Samantha Robillard-Hughes, 52 Sterling Heights Drive, asked that the Board consider the traffic impacts of the proposed development, explaining that lefts-in and lefts-out of Sterling Heights Drive are often difficult. She also expressed concerns about the safety of children playing on or near the gate.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Kramer, to close the public hearing at 9:05p.m. The motion was unanimously carried.

Mr. Bulger addressed many of the issues raised by those who spoke at the public hearing. He explained that the proposed multi-use trail and emergency access was to be placed on Town property. The connection from that property to Sterling Heights Drive was intentionally provided to allow for future connection to the west. Though the Planning Board had considered requiring the construction of a town road from the Parkland Development to Sterling Heights Drive, members agreed that the pathway would be less intrusive. Mr. Bulger stated that the applicant has designed the town home project in accordance with HM (Hamlet Mixed Use) zoning requirements, noting that zoning regulations are established by the Town Board. He does not concur with the belief that the town home development will devalue existing single family residences since property values throughout the Town continue to increase. In response to Mr. Bulger's recommendation that additional plantings may be needed along the eastern property line, Mr. Vuillaume stated that the applicant would add landscaping where necessary. Mr. Kramer asked that the gate be relocated to the west to lessen its visual impact from Sterling Heights Drive. Mr. Werner recommended that a berm with plantings be constructed along the pathway. Mr. Bulger agreed, stating that the pathway should be as "unobtrusive" as possible. Mr. Bulger noted that the formal, approved wetland delineation may result in a reduction in the number of units that may be constructed on the Parkland Development site. In response to Ms. Thorne's recommendation that the gate not be "utilitarian" looking, Mr. Vuillaume stated that the applicant would likely consider another method of limiting access to the trail. Mr. Kramer recommended that the buffer between the proposed Lots #13 and #14 be increased. Mr. Vuillaume noted that a buffer of 15 feet has been provided in that location: the applicant will enhance the area with additional plantings if necessary. Mr. Werner asked that the applicant add details regarding the spillway that appear to direct water flow to the NYSDOT right-of-way. Mr. Larkin noted for the record that although he previously endorsed the construction of a roadway between this project site and Stoney Heights Drive, he is now convinced that the emergency access design that Mr. Bulger encouraged from the beginning is more reasonable. He noted that Mr. Bulger's persuasiveness helped minimize impacts to the Stoney Heights neighborhood. Responding to a question from the floor, Mr. Pelagalli explained that although residents may have plans prepared by the developer that indicate that lands to the west of Stertling Heights would remain "forever wild," the only plans of consequence are the subdivision maps that are stamped by the Chairman of the Planning Board and legally filed at the County Real Property Office.

Old Business

[2007-040] **Levine, Dr. Andrew** – Proposed renovation of an existing professional office building to a dental office, 983 NYS Route146 – Preliminary site plan review and possible determination.

Mr. Scott Price, consultant for the applicant, presented revised project plans for this application, noting that a number of the concerns raised by Clough, Harbour, and Associates have been addressed. Details regarding grinder pump installation, test pit information, erosion and sediment control measures, building height, and appropriate signage have all been added to the plan. The consultant also reports that additional screening has been provided as requested, that sign-offs from appropriate agencies have been requested, that proposed dry wells have been modified to infiltration chambers to better reflect site conditions, and that the ECC notes have been added to the plans. Mr. Price reported that connection to the existing sewer line on Trice Drive will be made via an easement through the adjoining property to the north. The proposed water line will also connect to an existing service line on Trice Drive. Drainage calculations have been revised and the storm water management plan has been revised to handle a 100-year storm event. Catch basin locations and sediment control information have been added to the plan. The driveway has been increased in width to 24 feet. The light pole base has been protected. No parking signs have been added where appropriate. A note stating that no dumpsters will be located outside the building has also been added to the plan. Architectural renderings have been submitted.

Ms. Maynard offered comments prepared by the Planning Department. The applicant has addressed many of the comments and recommendation provided at the September 25, 2007 meeting when it was last reviewed by the Board. The consultant has provided additional screening along the side yard on western side, increased the buffering for residences to north, and increased the ingress/egress width to 22 feet. The Board was also interested in determining if there was an encroachment issue as reported by the adjacent property to the west. Ms. Gleason, owner of the property directly east of the site, has provided information regarding property boundaries, stating that surveys indicated that the parking associated with Dr. Gleason's dental office is located on property that he owns. Dr. Gleason also has an agreement with the Methodist Church to use property to the rear of the office for patient parking. Ms. Gleason reports that there is substantial buffering landscaping in back of the property. The consultant has responded to many of the concerns and the revised plans appear to reflect requested changes. Sign-off from the Clifton Park Water Authority is required. The applicant must provide a colored façade rendering of the building: it is assumed that the addition will be constructed of the same materials used in the original building. The Board may wish to ask that that stone be similar to the brick used in many of the newer buildings in the corridor. Details of the proposed 6' vinyl fence must be included on the plan. Foundation plantings in keeping with the buildings residential scale and character should be added to the side of the building that fronts on Route 146 and additional deciduous and evergreen trees should be considered for the "front lawn" area. An outside user agreement will be required for the sewer connection.

Mr. Myers, Director of Building and Development, reported that all required variances for this project have been granted by the Zoning Board of Appeals. In a memo dated October 23, 2007, Mr. Myers, Director of Building and Development, provided the following comment regarding the proposed Storm Water Pollution and Prevention Plan. The SWPPP is incomplete. Though this is not an all-inclusive list, the applicant and/or

consultant must provide the following: construction drawings and sequence; erosion and sediment controls; identification of temporary and permanent measures on drawings including materials, specifications, etc.; pollution and waste prevention measures; post construction control information; the NOI, inspection forms, and general permit; maintenance procedures; pollution and waste prevention measures. The plan must be re-submitted with information regarding the correct infiltrators since the proposed units are for septic systems rather than storm water management.

Mr. Romano reported that Clough, Harbour, and Associates reviewed the preliminary site plan and provided the following comments. The site plan does not depict the location of the proposed water service and sanitary sewer service connections. The limit of work for the utility connections should be clearly defined on the plan. Additionally, it appears that easements will be required to extend the utilities to Trice Drive. The existing features are extremely difficult to read on the plans. Future plan submittals should have better plan clarity. A detail of the proposed exterior lighting fixture should be provided together with a note stating that no exterior lighting other than that shown on the plan is permitted. A note should be added stating that no exterior trash receptacles or dumpsters are permitted.

Mr. O'Brien, Environmental Specialist, reported that the ECC determined that all Commission concerns have been adequately addressed.

Mr. Larkin stated that he found the dense buffering acceptable. He commented that Town policies require that the proposed grinder pump must be placed outside the building. Mr. O'Brien agreed that grinder pumps were not permitted inside of a building.

Ms. Virginia Condon, 3 Trice Drive, requested information regarding the height of the light poles in the parking area and reviewed cut sheets of the fixture design to be installed. Though she found security lighting acceptable, she asked that the lights in the parking lot be turned off after office hours. The applicant agreed to this request.

Board members found the plan acceptable, though Mr. Bulger noted that there are several issues to be addressed.

Mr. Kramer moved, seconded by Mr. Werner, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Ms. Thorne moved, seconded by Mr. Bulger, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. The motion was unanimously carried.

[2007-024] **PVC Industries** - Proposed 25,000 SF addition to existing building, 107 Pierce Road – Preliminary site plan review and possible determination.

Mr. Scott Price, consultant for the applicant, explained that a number of comments raised by Clough, Harbour, and Associates and the Planning Department at the

September 25, 2007 meeting have been addressed in the revised plan presented for consideration. The speaker identified a number of changes made in response to engineering comments, explaining that additional catch basins and grading information has been provided to ensure positive drainage, an asphalt gutter has been added to the roadway to divert run-off directly to the catch basin, test pit information and perc test data have been included on the plans, information regarding the water main has been supplied, the existing building floor grade has been added to the plan, design information regarding the new sanitary lateral has been added, pipe diameter labels have been corrected, bollards are shown around the existing hydrant, building height information has been added, and the planting plan has been revised. As recommended by the Planning Department, a 15' easement for future roadway improvements has been illustrated on the plan, additional plantings have been shown in the area to be disturbed, the sidewalk has been extended, a building rendering has been provided, water table elevations have been added, information regarding storm water facilities have been outlined, and the site complies with the requirements of §208.64(a)(3) of the Town Code. The dumpster enclosure will remain in the same location. The tree inventory has been completed as required and a Storm Water Pollution and Prevention Plan will be submitted.

Ms. Maynard reported that since the Board considered this application at its September 25, 2007 meeting, the applicant has revised the plans significantly. The plan now reflects requested changes. Sign-off from the Clifton Park Water Authority will be required. Colored façade renderings must be provided for review. The speaker noted that the applicant has increased landscaping throughout the site, particularly along Pierce Road. The applicant has provided a 15' easement along Pierce Road for future roadway improvements or installation of a trail segment. Ms. Maynard recommended that additional landscaping be added to the front of building and around the dumpster.

In a memo dated October 23, 2007, Mr. Myers, Director of Building and Development, provided the following comment. The Storm Water Pollution and Prevention Plan is incomplete. Though this is not intended as an all-inclusive list, the following items are still required: NOI; inspection forms; the general permit. The plan must be re-submitted with information regarding the correct infiltrators since the proposed units are for septic systems rather than storm water management. The qualifications needed for the inspection professional must be specified. Details regarding maintenance of the CDS units must be provided. Erosion and sediment controls, including temporary and permanent materials and specifications must be shown on the drawings. Maintenance procedures must be outlined. Pollution and waste prevention measures must be provided. Post construction controls must be described.

Mr. Romano explained that review of the project plan resulted in the following comments from Clough, Harbour, and Associates. The clarity of the site plans has made our review of the submission difficult. The existing base map features are not legible and as such it is difficult for us to determine if all our previous comments have been addressed: The following comments from our September 20, 2007 review letter remain to be addressed. There is concern with the proposed grading in multiple areas of the site. It appears drainage from the proposed relocated driveway and from the slope along the

eastern side of the proposed addition is being directed towards the building. Although a perforated HDPE pipe is proposed to assist in the drainage, there is not enough detailed grading provided to ensure positive surface drainage flow. Additionally, more detailed grading should be provided within the area between the existing and proposed building. It also appears as though runoff is being directed towards the southeast corner of the existing building without providing a means to drain this area. The location of the test pits and percolation tests should be shown on the plan. It should be verified that the existing grinder pump has adequate capacity for the proposed additional flows. Additionally, design information for the proposed sanitary service lateral and the location of the existing service should be provided. The existing hydrant that will be located along the proposed edge of pavement within the parking lot should be protected by bollards. The following additional comments were provided. The location of the existing 8" water main should be depicted on the plan.

Clough, Harbour, and Associates offered the following comments on the Stormwater Management Report dated October 2, 2007. A more detailed Storm Water Pollution and Prevention Plan should be included as part of the Stormwater Management Report. This plan should include a discussion on the proposed construction phasing, long term maintenance responsibilities of the system, standard NYSDEC inspection forms, a copy of the General Permit, and the Notice of Intent.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project plan, the ECC offered the following recommendation. The ECC recommends that within the Pierce Road vegetation buffer, all effort should be made by the applicant to retain the present dense vegetative under story.

Mr. Bulger explained that since the revised plans submitted for review lacked the necessary level of clarity, definition, and detail for adequate review, the Board would be unable to act on the application. Mr. Bulger noted that all vegetation beyond the clearing limit lines would remain on site. Ms. Maynard recommended that fencing be provided around the dumpster area.

New Business

[2007-050] **Barry, George and Joanne** – Proposed two-family residence in an R-1 zone, 7 Dutch Meadow Lane – Special Use Permit and conceptual site plan review.

Ms. Joanne Barry presented this application that calls for the construction of an approximately 800 SF addition to her family's existing residence to provide an in-law apartment for an aging parent. The addition is to be located on the northeasterly side of the existing home.

Ms. Maynard offered comment from the Planning Department, stating that the lot appears to be well-suited for the proposed addition. She recommended that the building materials be compatible with those used on the exterior of the existing home. It was also noted that a formal survey and plot plan will be required before approval is granted.

Mr. Myers, Director of Building and Development, stated that a plot plan must be submitted for review to ensure that required setbacks have been respected.

Mr. Grasso reported that Clough, Harbour, and Associates found the project proposal acceptable.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered no comment on this application.

Board members found this Special Use Permit request and site plan application acceptable.

[2007-051] **Unger and Travis, LLC** – Proposed 3,200 SF food preparation and restaurant, 5 Longkill Road – Conceptual site plan review.

Mr. Peter Reilly, legal representative for the applicants, presented this project plan to the Board. The 43,750 SF site slated for development is located in a B-3 zone on the north side of Longkill Road directly behind the Jonesville Country Store. The existing deteriorating residence will be razed. The applicant proposes the construction of a 3,200 SF building to be used for food preparation and a small – possibly ten (10) seat restaurant. The site would be served by extension of an Clifton Park Water Authority line and individual septic system. Eighteen (18) parking spaces will be provided and storm water will be managed on site. Mr. Lamb reported that several variances were approved by the Zoning Board of Appeals at its October 16, 2007 meeting. The following variances were granted: a variance from Section 208-37B from the required 300 foot separation from a residential zone for a restaurant – proposed setback = 60 feet – variance requested = 240 feet; a variance from Section 208-98 from the required 130 foot setback from Longkill Road – proposed setback = 18.5 feet – variance requested = 111.5 feet; a variance from Section 208-38H from the required 100 foot buffer from a residential zone – proposed = 50 feet – variance requested = 50 feet. Mr. Reilly addressed Clough, Harbour, and Associates' comment regarding a possible connection to the Stewarts' site, stating that the steep slope between the sites would make a connection difficult. Mr. Reilly introduces Mr. Travis and Mr. Unger, applicants.

Ms. Maynard offered several Planning Department comments. The ingress/egress location should be clearly shown on the plan. The plan should also indicate how this site will be integrated with the Jonesville Country Store located on the adjacent property and operated by the applicants. It is recommended that fencing and/or landscaping be used to screen the parking lot from Longkill Road. The applicants must clarify the proposed use, identifying the size of the food preparation area and the restaurant and the connection of this building with the Country Store. Adequate parking for both sites is now of concern. Noting that there is a sidewalk along eastern side of Longkill Road, the speaker recommended that the applicant consider a link with the existing sidewalk, the Stewart's Shop to north and the Country store/Hatlee/MacElroy Road intersection to south. Vehicular connection to the Stewart's Shop site on Longkill should be considered. The building design should reflect building patterns and design within the hamlet and the building should be oriented toward the street. The applicants were advised to consult with the Historic Preservation Commission and Planning regarding building architecture

and design. The Chairman of the Historic Preservation Commission as well as the Town Historian has stated that current building on site is of no historical value. The applicant should pursue connection to an existing sewer line. Large trees on site should be preserved to the greatest extent practicable. Existing vegetation along the stream should be protected to avoid impact on the Longkill.

Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the applicant clarify the ingress/egress location and assure adequate accessibility for emergency service vehicles. The location of the existing hydrant should be shown on the site plan.

Mr. Romano offered several comments prepared by Clough, Harbour, and Associates after review of the project plans. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to be the Clifton Park Planning Board with Site Plan Approval and The Zoning Board of Appeals for an area variance. Given the short spacing between the signal at Ushers Road and the four-way stop control at Main Street, there are significant concerns over the proposed access arrangement. Strong consideration should be given to using the existing curb cut to the Stewarts and thereby having access controlled by the signal. If access onto Longkill Road continues to be pursued the adequacy of sight distance should be verified. There are significant concerns over the ability to develop a properly sized and maintained septic system for a typical restaurant use. Test pits should be performed to determine the adequacy of the existing soils to support an on-site septic system. The system should be design to accommodate typical restaurant waste and flows. The proposed limits of the parking area and curb cuts should be clearly identified on the plan. The zoning district boundaries should be depicted on the plan. The high water mark line should be verified. The line does not appear to follow the existing contours. Future plan submittals should include the following: proposed building height; proposed lighting; proposed landscaping; dumpster location and screening; water service location; handicap parking details.

Mr. O'Brien, Environmental Specialist, stated that, after review of data presented, the ECC made the following recommendations. The applicant should provide adequate vegetative buffering along the Longkill to reduce encroachment and the impacts of runoff. All exterior lighting must be directional and limited. The proposed project, when constructed, must reflect the character of the neighborhood. Parking should be located out of sight of the road and should include appropriate vegetative screening.

Though Mr. Kramer supported a sidewalk link from the Longkill-Ushers intersection to Main Street, Mr. Lamb, consultant for the applicant, reported that there was little right-of-way to work with along the front of the site. Mr. Kramer supported the recommendation that the building be designed to reflect the character of the hamlet. Ms. Thorne advised that the applicant consider adequate sight distance when locating the point of ingress/egress: she encouraged further investigation of a connection with the Stewart's Shop. Mr. Werner agreed. Mr. Larkin remarked that traffic safety would be of concern as the project moves forward since there is a short distance from the Main Street-Hatlee-MacElroy Road intersection to the Longkill-Ushers Road signalized intersection. Mr. Werner observed that improvement of the site would be most welcomed. Mr. Larking agreed with this observation, though he noted that the poor quality of the mapping and site design plan made it difficult to provide comment on the application.

All agreed that the location of the septic system was significant would dictate the design plan. It was recommended that the site contain parking for Jonesville Country Store employees, that site access be more clearly defined, and that a connection with the Stewart's Shop site be explored.

[2007-052] **Predel's Ranch, Inc.** – Proposed 633 SF addition to existing farm stand, 59 Garnsey Road – Conceptual site plan review.

The applicant proposes the construction of a 633 SF addition to an existing farm stand at 59 Garnsey Road. The additional space will be used to store farm goods to be sold at the stand. Some of the equipment to be placed in this space will include refrigerators and freezers to ensure freshness of the products. A façade rendering of the proposed addition has been provided.

Ms. Maynard offered comment provided by the Planning Department, stating that the proposed expansion appears to comply with Western Clifton Park GEIS guidelines. She asked that the site plan be revised to show that the parcel is located in the CR (Conservation Residential) zone.

Mr. Myers, Director of Building and Development, reported that a Special Use Permit (#80552) to allow operation of a retail farm stand was granted in 1999. The current CR (Conservation Residential) zoning allows operation of such a stand without the issuance of a Special Use Permit.

Mr. Romano reported that Clough, Harbour, and Associates found the plan acceptable.

Mr. O'Brien, Environmental Specialist, reported that the ECC asked that the following standard statements be added the project plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Board members agreed that the plan was acceptable as presented.

[2007-053] **Rucinski, Bernard E. & Marion** – Proposed (3) lot subdivision, 534 Grooms Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration, explaining that the property is located at the southeast corner of

the intersection of Moe and Grooms Roads. The proposal calls for the subdivision of 6.21 acres located on the south side of Grooms Road in an R-1 zone into lots of 1.74 acres, 1.86 acres, and 2.61 acres, respectively. The 1.86 acre parcel will contain an existing single-family residence. Mr. VanGuilder explained that zoning regulations require that all parcels along Grooms Road have 200' of frontage at the building line. All lots will be connected to public water: a public water line runs along the northerly side of Grooms Road. Lots will also be connected to the existing sanitary sewer that runs along the southerly side of Grooms Road. The ACOE wetlands have been delineated on site.

Ms. Maynard provided Planning Department comments. Access to the lot at the corner of Grooms Road and Moe Road should be set as far from the intersection as possible. The applicant should clarify future use of the farm stand. The SEQRA form should be signed.

The following comment was provided by the Saratoga County Sewer District. The proposed lots would be served by a gravity sewer line on the south side of Grooms Road which was installed under the Presidential Estates project. Each connection will need to obtain a permit from the sewer district. During the subdivision process it will be necessary to confirm that the necessary sanitary sewer easements have been filed and will be transferred to the new lots.

Mr. Myers, Director of Building and Development, offered the following comment. The vegetable stand appears to be part of this property and is run by others. The stand sits on the county sewer easement and does not meet setbacks for accessory structures. The applicant must clarify what, if any, agreements exist for this structure and if it is to continue as a business. The following questions should be answered: is it owned by the property owners? Does it have an agreement to be there? Will the new property owners allow it to stay?

Mr. Romano reported that Clough, Harbour, and Associates' review of the subdivision proposal resulted in the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to be the Clifton Park Planning Board with Subdivision approval. The Code Enforcement Officer should be consulted for a determination on the zoning conformance of the existing vegetable stand. To reduce the likelihood of future wetland impacts and loss of areas of runoff collection it is recommended that any new principal buildings be set back a minimum of fifty feet from both jurisdictional and non-jurisdictional wetlands. Historically, Lot #1 has been the location of significant ponding during the spring. A proposed grading plan should be submitted that addresses the existing drainage patterns. The proposed house locations and curb cuts should be depicted on the plan. We recommend a note being added to the plan stating that the driveway to Lot #1 shall be from Grooms Road and shall be a minimum of 200 feet from Moe Road. The proposed water and sanitary sewer service locations should be depicted on the plan.

Mr. O'Brien, Environmental Specialist, offered recommendations prepared by the ECC. A note should be added to the individual plot plans regarding the potential for a

high water table on the parcel. The following standard statements must be added to the plot plan:

- No slats, fertilizers, pesticides or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal Wetlands

Mr. Kramer stated that he has observed that there is significant seasonal ponding of water on the parcel and asked that the applicant address this issue. He has also observed that those who visit the “Little Red Schoolhouse” on Moe Road often use the area near the farm stand for parking. He asked that the applicant clarify whether or not this is a permitted use. Mr. Kramer also requested information regarding possible trail development in the area. It was noted that there is an existing trail along Moe Road from Grooms Road to Englemore Road.

Board members agreed that the subdivision plan appeared acceptable.

[2007-054] **Morrisey, Geoff** – Proposed 14,000 SF industrial space in (3) buildings, 183 Ushers Road – Conceptual site plan review.

Mr. Scott Lansing, consultant for the applicant, presented this application that calls for the redevelopment of property located at 183 Ushers Road. The application calls for the re-development of an existing 20.85 acre parcel located on the west side of Ushers Road north of its intersection with Tabor Road. The parcel is bisected by the Town of Clifton Park – Town of Halfmoon boundary. The property lying within the Town of Clifton Park is located in the L2 zone: the property within the Town of Halfmoon is located in the LI-C (Light Industrial/Commercial) zone. The existing site is occupied by a 5,800 SF wood frame building used as an emergency vehicle service facility that lies entirely within the Town of Halfmoon: this building will be demolished. A large portion of the wooded site contains wetlands. Mr. Lansing noted that the NYSDEC has described the proposal as “conceptually permissible”. Two buildings of 6,000 SF and 4,800 SF, respectively, are proposed to be built on the site. The 6,000 SF building will contain 4,800 SF of garage bay space and 1,200 SF of office space. The 4,800 SF building will adjoin the larger building and contain 4,000 SF of garage bay space.

Access to the site will be reduced from two (2) entrances on Ushers Road located to both the north and south of the existing building along the northern and southern property lines to a single paved entrance located along the northern property boundary. Twelve (12) parking spaces are required by code to serve the two buildings: twenty-two (22) spaces, including 1 handicapped space are proposed. The parking area lies within the Town of Clifton Park. Storm water mitigation facilities for the site are located along the existing wetlands west of the proposed buildings and also lie within the Town of Clifton Park. The project will be served by an individual well: an on-site septic system will be installed. Additional parking and storage facilities are proposed near the proposed waste water disposal system along the southern property boundary to provide nine (9) extra large parking spaces for temporary storage of vehicles brought to the site for service.

Mr. Lansing addressed several comments issued by Clough, Harbour, and Associates.

Ms. Maynard offered comments prepared by the Planning Department. The Town of Clifton Park/ Halfmoon boundary line should be indicated on the plan and both towns should be identified on the plan **title block?** The wetlands, related buffer areas, and the L-C zone should be more clearly delineated on the plans since this information will be critical in determining which portions of the site may be developed. NYSDEC confirmation will be required. **DEC correspondence states that the draft plans submitted appear conceptually permitable. Concept of using a force main through a previously disturbed area of the wetland buffer area. Other regulated activities proposed will be reviewed with a permit application.** The speaker noted that the Town of Clifton Park's LC zoning does not allow structures of any kind within its bounds. The Town also discourages the location of storm water management areas within LC buffer areas. It was recommended that limited lighting be provided on the site because of impacts to surrounding natural areas and habitats.

Mr. Myers, Director of Building and Development, provided the following comments. This site appears on our mapping to be almost entirely covered by DEC wetland: it does not appear that is correct. Only a small portion of the property lies within the Town of Halfmoon. Storm water management and septic installation within a wetland seems unlikely. The proposed buildings do not meet the 130 foot setback from Ushers Road as required by §208-98. Submission of a full Storm Water Pollution and Prevention Plan and a septic design by a licensed engineer will be required prior to the issuance of a building permit.

Mr. Romano reported that Clough, Harbour, and Associates reviewed the conceptual site plan for this project and prepared the following comments. The proposed project is an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. The project lies within both the Town of Halfmoon and the Town of Clifton Park. The involved agencies are expected to include the following: Town of Clifton Park Planning Board – Site Plan Approval; Town of Halfmoon Planning Board – Site Plan Approval; NYSDEC – Wetland Permitting and SPDES Permit for Storm Water Discharge.

Clough, Harbour, and Associates expressed concern with the proposed impacts to the 100' wetland adjacent area and the firm does not recommend any disturbance within this area. The plan proposes to resurface an existing gravel drive and construct a storm water management area with the wetland adjacent area. While NYSDEC approval will be required for work within the wetland adjacent area, Clough, Harbour, and Associates does not support this work within the Town's Land Conservation Zoning District. Due to the limited unconstrained area, consideration should be given to not developing a building in the Town of Clifton Park. Because the parcel is divided by a municipal boundary and is two separate tax parcels, an access easement should be provided to the portion of land located within the Town of Clifton Park. There is concern with the proposed sanitary sewer system being pumped from a building located within the Town of Halfmoon to a septic system which also serves a separate building in the Town of Clifton Park. It would appear a legal mechanism such as public facilities or a transportation corporation would be required to protect the system should the parcel be subdivided at the municipal boundary. The sight distance at the proposed driveway location should be verified. A detailed parking analysis should be provided documenting the proposed square footage of each use. The number of employees should be provided to determine if adequate parking is proposed. Handicap accessible parking should be provided. A site lighting plan should be provided for review. The proposed grading around the existing culvert along Ushers Road appears to be filing above the invert. The direction of flow of this culvert should be verified. The Short Environmental Assessment form should be revised to indicate that the 4,000 S.F. equipment storage building is to be located within the Town of Clifton Park. It appears a majority of the volume of the storm water management areas will be located within groundwater. The storm water model should begin the pond routing at the expected permanent pool elevation and not at the bottom of the pond. The erosion and sediment control plan does not provide adequate measures around the proposed septic system.

Mr. VanGuilder stated that throughout the 1990s, Mr. Morrisey worked with wetland experts to find a way to avoid wetland impacts and to develop the property. [REDACTED]

Mr. O'Brien, Environmental Specialist, stated that, after review of data presented, the ECC made the following recommendations. The ECC recommends that the applicant reconfigure the plans and density to remove the parking lot from the LC Zone. Due to the conflicting codes, the ECC encourages the Planning Board to work with the Town of Halfmoon to protect the 100 LC Zone in the Town of Halfmoon. The ECC recommends that this project be sent to the County Planning Board for their review and consideration regarding the LC Zone within Clifton Park.

Mr. Bulger pointed out that a determination regarding Lead Agency status pursuant to SEQRA would become a significant question since both the Town of Clifton Park and the Town of Halfmoon have interest in development of the Morrisey parcel. Mr. Pelagalli explained that although the Town of Halfmoon has more buildable, the Town of Clifton Park has more environmentally sensitive areas to protect. He will research Lead Agency status information to determine which Town should assume jurisdiction. Mr. Romano stated that Clough, Harbour, and Associates recommends that the Town of Halfmoon assume the primary SEQRA role. He also stated that the Saratoga County Planning Board denied this application.

Mr. Larkin noted that since the Saratoga County Planning Board has denied the application, both the Town of Clifton Park and Town of Halfmoon Planning Boards must approve the application with a super majority of their respective boards. He also expressed concern regarding storm water management in the area of the proposed barn. In response to his request regarding availability of the sewer service, Mr. VanGuilder explained that no sewer service was available within a reasonable distance. Mr. Bulger discussed the approvals and recommendations relating to storm water management designs provided by the Board for other projects along the Route 9 corridor, stating that the members had consistently recommended that storm water management facilities be located outside of the LC zone. Mr. Kramer agreed with Mr. Bulger's comment. Additional information regarding SEQRA Lead Agency status, wetland impacts, and site development was requested.

Minutes Approval: September 25, 2007

Mr. Kramer moved, seconded by Ms. Thorne, approval of the minutes of the September 25, 2007 Planning Board meeting as written. The motion was unanimously carried.

Discussion Items:

Southside Drive

21st Century Park Senior Townhouses

Mr. Bulger moved, seconded by Mr. Pace, adjournment of the meeting at 11:40p.m. The motion was unanimously carried. The next meeting of the Board will be held on November 14, 2007.

Respectfully submitted,

Janis L. Dean,
Secretary

cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

NOTICE OF DECISION

Resolution #23

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on October 23, 2007 there were:

Present: S. Bulger, Chairman, J. Larkin, J. Thorne, T. Werner

Absent: A. Kramer, S. Pace

Ms. Thorne offered Resolution #23, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Peter Fowler for approval of a subdivision plat entitled Subdivision of the Lands of Peter Fowler and Julie M. Priddle consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 23, 2007;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 23, 2007;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing is waived and the subdivision plat entitled Subdivision of the Lands of Peter Fowler and Julie M. Priddle consisting of (2) lots is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department.

Resolution #23 passed 10/23/07

Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman